

**ORDINANCE NO. 09-34**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL AND OFFICE (MIAMI-DADE COUNTY DESIGNATION) TO INDUSTRIAL; **PROPERTY LOCATED WITHIN AN AREA NORTH OF NW 154 STREET, SOUTH OF NW 170 STREET, WEST OF NW 97 AVENUE AND EAST OF NW 107 AVENUE, HIALEAH, FLORIDA, ZONED AU (AGRICULTURAL DISTRICT—MIAMI-DADE COUNTY DESIGNATION); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board on October 22, 2008 did not recommend the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, subject to final approval by the Florida Department of Community Affairs ("Department"); and

**WHEREAS**, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 08-164 (November 28, 2008) that was submitted to the Department for approval; and

**WHEREAS**, the Department of Community Affairs, through the Alternative State Review Pilot Program, issued its comments on January 15, 2009, finding no issues of regional or statewide importance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Future Land Use Map is hereby amended from Industrial and Office (Miami-Dade County Classification) to Industrial and in furtherance thereof, the Hialeah, Fla., Comprehensive Plan 2003-2015 shall be amended to include a correction in a road boundary described in an exhibit together with a diagram reflecting roads relating to the exhibit, a copy of which is on file with the Office of the City Clerk. Property located within an area north of NW

154 Street, south of NW 170 Street, west of NW 97 Avenue and East of NW 107 Avenue, Hialeah, Miami-Dade, Florida, zoned AU(Agricultural District—Miami-Dade County Designation), and legally described as follows:

PORTIONS OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

THE WEST  $\frac{1}{2}$  OF TRACTS 18, 19, 20 AND 21, LESS THE SOUTH 100 FEET OF TRACT 20, AND LESS THE NORTH 100 FEET OF TRACT 21, AND TRACTS 22, 23, 24, 33, 34, 35, 36, 37, 38 AND 39, LESS THE SOUTH 75 FEET OF TRACT 39, AND LESS THAT PORTION OF TRACT 33 THAT LIES WITHIN THE NORTH 35 FEET OF THE SW  $\frac{1}{4}$  OF SAID SECTION 17, BOUNDED BY THE WEST LINE OF THE EAST 35 FEET OF THE SW  $\frac{1}{4}$  OF SAID SECTION 17, AND BOUNDED BY A 25-FOOT RADIUS ARC CONCAVE TO THE SOUTHWEST, SAID ARC BEING TANGENT TO BOTH OR THE LAST DESCRIBED LINES, AND LESS THOSE PORTIONS OF SAID TRACTS 22, 23, 33, 34 AND 37 THAT LIE WITHIN THE EAST 35 FEET OF THE SW  $\frac{1}{4}$  OF SAID SECTION 17.

AND

TRACTS 25, 26, 27, 28, 29, 30, 31 AND 32, LESS THE NORTH 100 FEET OF TRACT 28, LESS THE SOUTH 100 FEET OF TRACT 29, AND LESS THOSE PORTIONS OF TRACTS 29, 30, 31 AND 32, THAT LIE WITHIN THE WEST 40 FEET OF THE NW  $\frac{1}{4}$  OF SAID SECTION 17, AND LESS THAT PORTION OF TRACT 32 THAT LIES WITHIN THE NORTH 80.00 FEET OF THE NW  $\frac{1}{4}$  OF SAID SECTION 17, AND LESS THE AREA BOUNDED BY THE SOUTH LINE OF THE NORTH 80.00 FEET OF THE NW  $\frac{1}{4}$  OF SAID SECTION 17, BOUNDED BY THE EAST LINE OF THE WEST 40.00 FEET OF THE NW  $\frac{1}{4}$  OF SAID SECTION 17, AND BOUNDED BY A 25-FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

AND

TRACT 42 LESS THE SOUTH 75 FEET THEREOF, TRACTS 43, 44, 45, 46, 47 AND 48, LESS THOSE PORTIONS OF TRACTS 44, 45 AND 46 THAT LIE WITHIN THE WEST 40 FEET OF THE SW  $\frac{1}{4}$  OF SAID SECTION 17.

AND

TRACTS 49, 50, 51, 52, 53 AND 54 LESS THE EAST 400 FEET THEREOF, AND TRACT 55 LESS THE EAST 400 FEET AND LESS THE SOUTH 75 FEET THEREOF, AND TRACT 58 LESS THE WEST 35 FEET AND LESS THE SOUTH 75 FEET THEREOF, AND TRACTS 59, 60, 61, 62 AND 63, AND THE SOUTH  $\frac{1}{2}$  OF TRACT 64, AND LESS THOSE PORTIONS OF TRACTS 62 AND 63 THAT LIE WITHIN THE WEST 35 FEET OF THE SE  $\frac{1}{4}$  OF SAID SECTION 17.

AND

TRACTS 40, 41, 56 AND 57, THE SOUTH 75.00 FEET OF TRACTS 39, 42, 55 AND 58, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THAT PORTION OF THE SOUTH 75 FEET OF SAID TRACT 55 LYING WITHIN THE EAST 400 FEET OF THE SE  $\frac{1}{4}$  OF SAID SECTION 17.

TRACTS 2, 3, 14 AND 4, LESS THE SOUTH 100 FEET OF TRACT 4, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THAT PORTION OF TRACTS 49, 50, 51, 52, 53, 54 AND 55 LYING WITHIN THE EAST 400 FEET OF THE SE  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, LESS THE EAST 40 FEET OF TRACT 55, ALL OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2,

PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

TRACT 35, LESS THE EAST 35 FEET THEREOF, AND THE EAST 1/3 OF TRACT 43, AND TRACT 47, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TRACT 15, 16 AND 17, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THE EAST ½ OF TRACTS 18 AND 19, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THE EAST ½ OF TRACT 20, LESS THE SOUTH 100 FEET THEREOF, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community

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Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.


PASSED and ADOPTED this 28th day of April, 2009.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

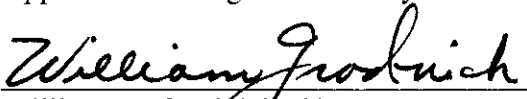
Attest:

Approved on this 1 day of May, 2009.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".